

Application No.: 09/865799

Docket No.: 31175934-066006

REMARKS

Claims 6-11 were pending in this application. Claim 9 has been amended as suggested by the Examiner in response to a formality objection. No claims have been added or canceled. Hence, claims 6-11 remain pending in this application.

Claim Rejections

Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlstrom et al. (U.S. Patent No. 4,862,357) in view of Bunyan et al. (EP 1,076,307).

To the extent the rejections may be applied to the claims as amended, these rejections are respectfully traversed.

Arguments in Support of the Claims

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 6 is directed to a method for facilitating selection of travel itineraries. The method comprises selecting a travel criteria, defining a traveler profile containing traveler preferences associated with the travel criteria, and deriving preference factors, including a lowest fare multiplier, an available dates index, a non-stop service index, and an equipment type index for the travel criteria based on the traveler preferences. The method further comprises initiating a query of at least one travel information database for itineraries matching the selected travel criteria using an on-line search engine, and calculating a travel value index for each itinerary using a travel value algorithm that subtracts preference factors from, and/or adds preference factors to, a fixed optimal value of the travel value index depending on the criteria matching itineraries. Only itineraries where the travel value index satisfies a *traveler defined travel value index threshold* are returned.

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The travel value index indicates the value of the particular itinerary relative to other itineraries returned by the search engine. The threshold value is set so that only itineraries meeting the threshold value will be returned from the search engine.

The Examiner admits Ahlstrom et al. does not disclose or suggest that the optimal value of the travel value is fixed. The Examiner admits Ahlstrom et al. also does not disclose the traveler defined travel value index *threshold* is an index value of the travel value index. See, e.g., col. 1, lines 27-31; col. 2, lines 36-38; col. 3, lines 16-18.

The Examiner combines Ahlstrom et al. with Bunyan et al. in an attempt to cure Ahlstrom's stated deficiency. In order to combine two references, there must be some motivation to combine them. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Bunyan et al. teaches a method where the travel value algorithm is defined in a manner such that an optimal value for the travel value index is fixed. However, the reference does not teach or suggest allowing the traveler to specify a traveler defined travel value index *threshold* (minimum suitability rating).

To the contrary, Bunyan et al. teaches the suitability rating is an index value of the travel value index. In other words, it merely allows the customer to indicate numerous preferences with regard to holiday destinations and types of holidays from which a suitability rating is calculated. See, e.g., paragraphs 14 and 15. The suitability rating is based on the location and the type of holiday, with a weighting based on the user's strength of opinion and is a calculation performed by the system. The holiday search module determines the most suitable holidays based on the suitability ratings and these are presented to the customer. See, e.g., paragraphs 20 and 21. If there are more than a specified number (not defined in the disclosure) of suitable holidays, the customer is able to *sort or filter* the holidays using a set of criteria including destination area and price but are not an index value of the travel value index. The traveler does not define a suitability rating threshold that itineraries must surpass in order to be returned. No discussion of returning only itineraries where the travel value index satisfies the traveler defined travel value index threshold is taught or suggested. With no mention of a travel value index threshold in Bunyan et al. it cannot be combined with Ahlstrom et al. to define the travel value index threshold as being an index value of the travel value index.

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Furthermore, even if you combine the references, the deficiencies of Ahlstrom et al., namely that the *traveler defined travel value index threshold* is an index value of the travel value index are not remedied when combined with Bunyan et al. which does not suggest or disclose a *traveler defined travel value index threshold*. Since the prior art reference either alone or in combination must teach or suggest all the claim limitations, a prima facie case of obviousness has not been established.

Accordingly, for at least the reasons stated above, withdrawal of the rejection against claim 6 is respectfully requested.

As for dependent claims 7-11, although they recite independently allowable subject matter, these claims depend from claim 6 and are therefore allowable for at least the same reasons. Accordingly, withdrawal of the rejection against the dependent claims is respectfully requested.

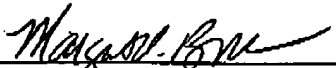
CONCLUSION

The rejections raised by the Examiner have been addressed, and Applicant believes that the claims are now in condition for allowance, which action is respectfully requested. If any questions or issues remain and the resolution of which the Examiner feels will be advanced by a conference with the Applicant's attorney, the Examiner is invited to contact the attorney at the number noted below.

No fees are believed to be due, however the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account 50-3420, reference 31175934-066006 (MAB).

Dated:

Respectfully submitted,

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